

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re: Testosterone Replacement Therapy Products Liability Litigation))	Case No. 14 C 1748 MDL No. 2545
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This Document Relates To: All cases

CASE MANAGEMENT ORDER NO. 5

(Defendants' Liaison Counsel)

Pursuant to Defendants' Submission in Support of Defendants' Liaison Counsel, this Court hereby orders:

1. Scott P. Glauberman, Winston & Strawn LLP (or his designee) is appointed to serve as Defendants' Liaison Counsel, and that he will have the responsibilities described in the Manual for Complex Litigation, Fourth Edition, § 40.22, Para. 4 (a), (b), (c), and (e), but will not have the authority to negotiate and/or reach any agreement with Plaintiffs' Lead Counsel and/or Plaintiffs' Steering Committee on behalf of any Defendant other than AbbVie Inc. or Abbott Laboratories.

2. All responsibilities of the Plaintiffs' Lead Counsel and/or Plaintiffs' Steering Committee, as described in the Manual for Complex Litigation, Fourth Edition § 40.22, Para. 1 (a)-(c), (e), and (i) and Para. 4, shall be conducted in conjunction with the following lead counsel for each Defendant:

(a) AbbVie Inc. and Abbott Laboratories: Scott P. Glauberman and/or Nicole E. Wrigley, Winston & Strawn LLP (or their designee).

(b) Auxilium Pharmaceuticals, Inc.: James D. Pagliaro and/or Thomas J. Sullivan, Morgan, Lewis & Bockius LLP (or their designee).

(c) Contract Pharmaceuticals Limited Canada: James D. Pagliaro and/or Thomas J. Sullivan, Morgan, Lewis & Bockius LLP (or their designee).

(d) DPT Laboratories, Ltd.: James D. Pagliaro and/or Thomas J. Sullivan, Morgan, Lewis & Bockius LLP (or their designee).

(e) GlaxoSmithKline, LLC:¹ James D. Pagliaro and/or Thomas J. Sullivan, Morgan, Lewis & Bockius LLP (or their designee).

(f) Eli Lilly and Company and Lilly USA LLC: David E. Stanley and/or Janet H. Kwuon, Reed Smith LLP (or their designee).

(g) Endo Pharmaceuticals Inc.: Andrew K. Solow and/or Pamela J. Yates, Kaye Scholer LLP (or their designee).

(h) Pfizer, Inc. and Pharmacia & Upjohn Company LLC: Matthew A. Holian and/or Loren Brown, DLA Piper LLP (or their designee).

(i) Actavis, Inc., Actavis Pharma, Inc., Anda, Inc. and Watson Laboratories, Inc.: Joseph P. Thomas, Ulmer & Berne LLP (or his designee).

(j) Paddock Laboratories: Michael F. Healy, Sedgwick LLP (or his designee).

(k) Fagron Inc.: Arthur J. Liederman, Morrison Mahoney LLP (or his designee).

As additional Defendants are served, they will be added, as necessary, to this Order.

3. In recognition of the need for cooperation of counsel and the parties for the orderly and expeditious resolution of the litigation, the communication, transmission or dissemination of information of common interest among and between Defendants' counsel, shall be protected by the attorney-client privilege, the protections afforded by the attorney work product doctrine, the protections afforded to material prepared for litigation or any other privilege to which a party may otherwise be entitled. Any

¹ GlaxoSmithKline, LLC is named as a defendant in one action pending transfer before the Judicial Panel on Multidistrict Litigation: *Fowler v. Auxilium Pharmaceuticals, Inc., et al.*, No. 2:14-cv-02592 (W.D. Tenn.). On August 5, 2014, the Clerk of the Panel issued Conditional Transfer Order No. 12, identifying *Fowler* as an action subject to transfer. *In re: Testosterone Replacement Therapy Products Liability Litigation*, MDL 2545, Dkt. No. 295 (Aug. 5, 2014).

cooperative efforts shall not in any way be used against any of the parties, be cited as purported evidence of conspiracy, wrongful action or wrongful conduct, or be communicated to any jury.

Date: August 13, 2014

IT IS SO ORDERED.



Matthew F. Kennelly
United States District Judge